



Town of Tyngsborough
Zoning Board of Appeals
Town Hall-25 Bryants Lane
Tyngsborough, MA 01879-1003
(978) 649-2300, Ext. 115

TYNGSBOROUGH ZONING BOARD OF APPEALS MINUTES

September 10, 2015

APPROVED

Attachments:

1. Meeting Agenda
2. 125-135 Middlesex Rd. and 111 & 115 Middlesex Rd. ZBA Application – 8/3/15
3. Tyngsborough Town Dept. Comments for 125-135 Middlesex Rd. and 111 & 115 Middlesex Rd.
4. Tyng Village PSC Construction Observation Report – 9/1/15

Members Present: Joe Polin, Chairman
Chris Mechalides, Vice Chairman
Robb Kydd
Adriana Gioumbakis
Chaz Doughty
Harvey Miller
Pamela Berman, Administrative Assistant

6:30pm Meeting was called to order by Chairman J. Polin

Hearing #1

125-135 Middlesex Rd. – Request by Middlesex Land Holdings, LLC & Tyngsboro Crossing, LLC, applicant for the modification to the approved “Tyngsborough Crossing” (to now be known as Merrimac Commons) Comprehensive Permit, dated February 25, 2015 to convert 60 homeownership units to rental units. *Advertised in the Lowell Sun Thursday August 27, 2015 and Thursday September 3, 2015.*

C. Mechalides sat out of this hearing.

R. Kydd: Motion to waive the reading of the abutters list.

H. Miller: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

Atty. Doug Deschenes, engineer Doug Lees, and applicant Dennis Page appeared before the Board. Atty. Deschenes explained that the modification request encompasses three items: 1. Change the units from “For Sale” to “Rentals”, 2. Modify the Site Plan to include an access driveway between the Tyngsboro Crossing development and the

proposed development at 111 & 115 Middlesex Rd., 3. Change the name of the development now known as “Tyngsboro Crossing” to “Merrimac Commons”. Atty. Deschenes went on to say that at this time they would request that this hearing be continued until the hearing for 111 & 115 Middlesex Rd. is completed. There were no abutters present to speak on this matter.

R. Kydd: Motion to continue this hearing until October 8, 2015 at 6:30pm.

A. Gioubakis: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

Hearing #2

111 & 115 Middlesex Rd. - Request by Middlesex Land Holdings, LLC & Tyngsboro Crossing, LLC, applicant for a Comprehensive Permit pursuant to Chapter 40B of the Massachusetts General Law, and the Tyngsborough Zoning By-Laws Section 1.13.23 for the development of 120 townhouse style duplex units in 60 buildings on 14.1 acres of land, to be known as “Tyngsborough Crossing”. *Advertised in the Lowell Sun Thursday August 27, 2015 and Thursday September 3, 2015.*

C. Mechalides sat out of this hearing.

H. Miller: Motion to waive the reading of the abutters list.

C. Doughty: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

Atty. Doug Deschenes, engineer Doug Lees, and applicant Dennis Page appeared before the Board. Atty. Deschenes explained that this property is a 14.1 acre parcel of land in an I-1 zoning district. It currently contains two barns, and one residential home, all of which will be razed. The remaining land is largely flat vacant farmland. The proposed project consists of 120 townhouse units in 60 duplex buildings. The units will be “For Sale”, with 25% of them deemed “affordable”. 108 of the units will have two bedrooms, and 12 units will have three bedrooms.

Engineer Doug Lees explained that the site access driveway will start at Middlesex Rd. and loop around the site creating a town common type layout. There is proposed to be 296 parking spaces throughout the development with each unit having two spaces, with 56 spaces reserved for visitors. In addition, there will be an area of open space that will be utilized for passive recreation for the residents. Site utilities will include municipal water and sewer, natural gas, electric, telephone, and cable.

Atty. Deschenes added that they are currently conducting a traffic study, and noted that they will be utilizing a landscape architect to design a new plan for this project.

Review Notes/Comments on Application from other Tyngsborough Departments

- Assessor: Questioned the impact to the Phase 1 West Sewer Expansion Project, the Town budget, municipal services such as fire, police, and schools, and quality of life issues relative to the increased traffic.
- Board of Selectmen: Noted the Town's Housing Production Plan goals. In addition, they urged the Board to consider the site design details for wastewater, wetland protection, traffic, and public safety. Finally, they suggested the Board assess the financial burdens to the Town, and reinforce permit fees and peer review for the project.
- Planning Board: Urged the Board to comply with a strict peer review structure, and to be especially vigilant in reviewing the proposed requested waivers and exemptions from the Zoning By-laws and Subdivision Rules & Regulations in order to avoid any negative design impacts.
- Board of Health: All units must meet the State Sanitary Code, Chapter II, Housing Regulations; Note: there will be private trash & recycling services.
- Tax Collector: Our records indicate owner of 111 & 115 Middlesex Rd. is PJMD, LLC. No outstanding delinquent taxes on the 4 parcels or owners.
- Fire Dept.: Concerned about unit numbering system/addressing.
- Building Inspector: Please, No exception from Building Permit Fees!
- Conservation: No Comment at this time. Project will require Conservation Notice of Intent and Stormwater Permit.
- Highway: No Comment
- Sewer Dept.: Ok with the plans. This project was included in the design and subsequent approval of the Phase 1 West Sewer Expansion.

Atty. Deschenes requested a continuance to the next meeting.

C. Doughty: Motion to continue this hearing until October 8, 2015 at 6:30pm.

R. Kydd: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

ENGINEER REPORTS

Tyng Village: Engineer David Sanderson briefed the Board on the construction progress which centers on site clearing and grading, and the installation of sewer infrastructure.

REQUEST FOR COMMENTS

138 Middlesex Rd. – Planning Board

ZBA issued the following comments: 1. Concerned with egress & entrance to the lot with the new configuration, 2. Ensure that setback requirements are met, 3. Will the existing building remain open during construction of new building? When will it be razed?

DISCUSSION

1. **Tyngsborough's Affordable Housing Inventory** – The Board requested that Town Administrator Curt Bellavance be consulted on applying to the State for “Safe Harbor” status. Board Atty. Paul Haverty will work with Mr. Bellavance to expedite the process as there is a deadline of 15 days to notify the applicant of this status.
2. **Tyng Village Pre-Construction Meeting** – The Board requested that the developer appear at the next meeting with an update. A pre-construction meeting is still required per the Comprehensive Permit, and will be scheduled as soon as the final architectural plans have been completed, which should be within the next couple of weeks.

ADMINISTRATIVE

Minutes

C. Doughty: Motion to approve the minutes from the August 13, 2015 meeting as written

C. Mechalides: 2nd the motion

In Favor: 6 Opposed: 0

Passes: 6-0

8:20pm

C. Doughty: Motion to adjourn

R. Kydd: 2nd the motion

In Favor: 6 Opposed: 0

Passes: 6-0

Minutes respectfully submitted by
Pamela Berman, ZBA Administrative Assistant